IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20625 of 2004

Between:

1 P. Sattaiah S/o P. Ramaiah, H. NO. 4-55, Bazarwadl (st),

Sandeep nagar, Asffabad, Adilabad District
2 Moin Ahmed S/o Md. Yunus, H. N0. 3-222, Rajeev Nagar,

Bazarwadl (st), Asffabad, Adilabad District
3 Md. Rizuddin S/o Shaik Hyder, H. No. 10-54, Khadinu Masjid (st)

Asffabad, Adilabad District
4 Vijaya Kumar Chowda, S/o Bheemji, R/o Rebban (P)&(M),

Adilabad District.
5 J. Prakash S/o J. Pochaiah, H. N0. 3-138, Rajeev Nagar,

Bazarwadl (st), Asffabad, Adilabad District

..... PETITIONERS

AND

1. The Regional Manager, APSRTC., Adilabad Region, Adilabad District

2. The Divisional Manager, APSRTC. Adilabad Division, Adilabad District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction or Writ more particularly one in the nature of Writ of Mandmaus declaring the action of the Respondents in not regularizing the petitioner's from the date of their initial appointments in wholly illegal, arbitrary and unjust and consequently direct the Respondent to regularize the services of the petitioners by taking their initial date of appointments

Counsel for the Petitioners: MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.P.RAJANI REDDY, S.C. for APSRTC

The Court at the admission stage, made the following :

HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20625 of 2004

ORDER:

Petitioners are contending that they have been working as drivers in the respondents-Corporation. They were initially appointed as adhoc drivers. They are also contending that the respondents-Corporation regularized the services of their juniors from the date of initial appointment. But the services of the petitioners were not regularized from their respective dates of employment. The petitioners therefore, approached this Court seeking to direct the respondents to regularize the services of the petitioners from the date of their initial appointment.

2. The learned counsel for the petitioners drew the attention of this Court through the observation of the Supreme Court in ***DIVISIONAL MANAGER, APSRTC AND OTHERS v. P.LAKSHMOJI RAO*** which reads thus:

> " In view of this peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial

appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows.

If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle."

3. In the light of the judgment of the Supreme Court, the petitioners are entitled to be considered for regularization if it is a fact that the services of their juniors were regularized from the date of the initial appointment in the concerned region. The respondents are therefore, directed to pass appropriate orders regarding the request of the petitioners for extending seniority from the date of their initial appointment if it is a fact that their juniors are extended the benefit of seniority from the date of their initial appointment.

4. Accordingly, the writ petition is allowed.

_____

November 9, 2004.

KVR

To

1. The Regional Manager, APSRTC., Adilabad Region, Adilabad District
2. The Divisional Manager, APSRTC. Adilabad Division, Adilabad District

3 Two C.D.Copies.